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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.
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MARIO H. CAPOGROSSO,

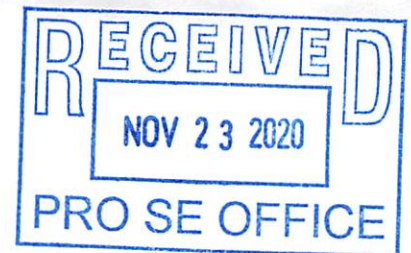
BROOKLYN OFFICE

Plaintiff,

ORDER
18 CV 2710 (MKB)(LB)

-against-

ALAN GELBSTEIN, *in his official and individual capacity*, BOSHRA VAHDATLAMAS, *in her official and individual capacity, also known as Bushra Vahdat*, IDA TRASCHEN, *in her official and individual capacity*, ELIZABETH PRICKETT-MORGAN, *in her official and individual capacity*, JEAN FLANAGAN, *in her official and individual capacity*, VINCENT PALMIERI, *in his official and individual capacity*, DANIELLE CALVO, *in her official and individual capacity*, SADIQ TAHIR, *in his individual capacity*, PEC GROUP OF NY, INC., DAVID SMART, and JOHN AND JANE DOES,



Defendants.
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BLOOM, United States Magistrate Judge:

The State Defendants plan to produce discovery to plaintiff but first request two proposed orders. ECF No. 139. The Court grants defendants' request for an order under the Federal Rule of Evidence 502(d), which protects the parties against the inadvertent waiver of privileged information. However, the Court cannot so order a confidentiality order unless all parties sign it. Plaintiff is advised that signing an agreement to keep discovery materials confidential is not a motion to exclude evidence. If plaintiff refuses to sign a confidentiality agreement, defendants may not produce confidential material to him during discovery.

SO ORDERED.

Dated: October 28, 2020
Brooklyn, New York

LOIS BLOOM
United States Magistrate Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff,

Case No. 18 Civ. 2710 (EK) (LB)

-against-

FRE 502(D) ORDER

ALAN GELBSTEIN, *et al.*,

Defendants.

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1. A party's production of documents or information that reflect privileged attorney-client communications, constitute attorney work product, were prepared in anticipation of litigation, disclose the mental impressions, conclusions, opinions or legal theories of any attorneys for the party, or are otherwise protected from disclosure ("Protected Information"), whether inadvertent or otherwise, shall not constitute or be deemed a waiver or forfeiture — in this or any other federal or state action or proceeding — of any applicable privilege, immunity or other protection from disclosure, or of the producing party's right to assert such privilege, immunity or other protection from disclosure.

2. Upon being notified that a production containing Protected Information has occurred, the receiving party must promptly locate and either return or destroy all copies of the materials at issue. Unless and until those materials are adjudicated by this Court to be non-privileged, the receiving party cannot use them for any purpose.

3. Nothing contained in this Order is intended to or shall serve to limit a party's right to conduct a review of documents or information for relevance, responsiveness and/or segregation of Protected Information before production.

4. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

SO ORDERED:

/S/

The Honorable Lois Bloom
United States Magistrate Judge

October 28, 2020
Brooklyn, NY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff,

-against-

ORDER
18 CV 2710 (EK)(LB)

ALAN GELBSTEIN, *in his individual capacity*, IDA
TRASCHEN, *in her individual capacity*, DANIELLE
CALVO, *in her individual capacity*, SADIQ TAHIR,
in his individual capacity, PEC GROUP
OF NY, INC., DAVID SMART, and DMV
COMMISSIONER MARK SCHROEDER,
in his official capacity,

Defendants.

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BLOOM, United States Magistrate Judge:

Defendants request an extension of the discovery deadline with Plaintiff's consent. This request is granted. The parties shall complete all discovery by November 30, 2020. The parties shall file any pre-motion conference request by December 14, 2020, in accordance with Judge Komitee's Individual Rules.

SO ORDERED.

/S/
LOIS BLOOM
United States Magistrate Judge

Dated: September 23, 2020
Brooklyn, New York